

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

John Turner, )  
Plaintiff, )  
vs. )  
Carolyn W. Colvin, Acting Commissioner, )  
Social Security Administration, )  
Defendant. )  
\_\_\_\_\_  
)

O R D E R

## ORDER

Plaintiff John Turner brought this action to obtain judicial review of a final decision of Defendant Acting Commissioner of Social Security denying Plaintiff's application for a period of disability and disability insurance benefits. See 42 U.S.C. § 405(g). On August 21, 2012, the court remanded the Commissioner's decision pursuant to sentence four of § 405(g) for further administrative proceedings. By order filed December 6, 2012, the court awarded attorney's fees in the amount of \$4,714.40 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

This matter now is before the court on Plaintiff's motion for attorney's fees filed September 12, 2014. Counsel moves for an order awarding an additional attorney's fee of \$15,564.10 under the Social Security Act, 42 U.S.C. § 406(b).<sup>1</sup> Commissioner filed a response informing the court that she has no objection to Plaintiff's motion for fees. Accordingly,

**IT IS ORDERED** that Plaintiff's motion for fees under 42 U.S.C. § 406(b) be granted in

<sup>1</sup> The total attorney's fee due in accordance with counsel's contingency fee agreement with Plaintiff is 25% of back benefits, or \$20,278.50. When the prior EAJA fee is subtracted from \$20,278.50, the net amount due to counsel is \$15,564.10.

the amount of \$15,564.10. This brings the total attorneys' fees awarded to counsel for Plaintiff to \$20,278.50, or 25% of back benefits in accordance with the contingency fee agreement between Plaintiff and counsel.<sup>2</sup>

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

October 9, 2014

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<sup>2</sup> Counsel indicates that any fee awarded at the administrative level will be refunded to Plaintiff.